UNITED STATES PATENT AND TRADEMARK OFFICE

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FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TRAN, NGHI V

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-11 and 17-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4, 6-11, and 17-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on February 04, 2009.

Claims 1-2, 6-7, and 9-11 have been amended. Claims 5 and 12-16 have been

canceled. Claims 17-20 have been added. Therefore, claims 1-4, 6-11, and 17-20 are

presented for further examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3-4, 7, 9-11, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Peters et al., United States Patent Number 5,842,195

(hereinafter Peters, in view of Munyer, United States Patent Application Publication

Number 2002/0143610 (hereinafter Munyer).

4.   With respect to claims 1, 7, 9-11, 17-19, and 21, Peters teaches a method for

managing data [see abstract] including the steps of:

(a)   creating a questionnaire [= construct a survey questionnaire document, col.2, ll.66-67] comprising a series of questions [= branched-to-questions, col.5, ll.49 through col.6, ll.30] [see fig.1 and fig.13];

(b)   transmitting said designed questionnaire to a remote computing device [col.6, ll.40-52];

(c)   executing said transferred questionnaire on said communication networked computer, thereby collecting responses from the user [fig.13 and col.21, ll.59 through col.23, ll.29];

(d)   automatically transferring via the communication network any responses so collected to a central computer [= collator collects all the response survey, step 106, 108, and 110] [fig.13]; and,

(e) making available in a database [= database 102] any responses transferred to said central computer in step (d) [fig.13].

However, Peters does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements ; terminating said first network connection with said remote computing device; after said first network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user; establishing a second network connection between said remote computing device and a server; and after said second network connection is established, transmitting at least portion of said response from the user to said server via said second network connection.

In a managing data method, Munyer discloses tokenizing said questionnaire for reducing bandwidth requirements; terminating said first network connection with said remote computing device; after said first network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user; establishing a second network connection between said remote computing device and a server; and after said second network connection is established, transmitting at least portion of said response from the user to said server via said second network connection [paragraphs 0024, 0029-0030, 0046, 0047, 0048, 0052, and 0054].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer by terminating and establishing connection between said remote computing device and first computers and/or server because this feature is a very high level of voter confidence [Munyer, paragraph 0010]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to have recounts that are fair and accurate [Munyer, paragraph 0010].

5.   With respect to claim 3, Peters further teaches wherein step (a) includes the substeps of: (a) creating a questionnaire [= authoring/creating survey] by:

(i) entering a series of questions into a questionnaire design computer program [fig.2];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [figs.11-12]; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions [= branched-to-questions, col.5, ll.49 through col.6, ll.30 [fig.1 and 13].

6.   With respect to claim 4, Peters does not explicitly show (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

In a managing data method, Munyer discloses (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch [paragraphs 0024, 0029-0030, 0046, 0047, 0048, 0052, and 0054].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer by terminating and establishing connection between said remote computing device and first computers and/or server because this feature is a very high level of voter confidence [Munyer, paragraph 0010]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to have recounts that are fair and

accurate [Munyer, paragraph 0010].

7.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in

view of Munyer, as applied to claim 1 above, and further in view of Brookler et al.,

United States Patent Application Publication Number 2002/0007303 (hereinafter

Brookler).

8.   With respect to claim 2, Peters does not explicitly show the step of: (g) translating

said response to a format recognizable by a particular computer program; and (h)

accessing the translated response from a computer executing said particular computer

program.

In a method for managing data, Brookler suggests the step of: (g) translating said

response to a format recognizable [= markup language translation layer **96**] by a

particular computer program [paragraphs 0072-0083]; and (h) accessing the translated

response from a computer executing said particular computer program [paragraphs

0028-0033 and 0050-0059 and fig.1 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Peters in view of Munyer, and further in view

of Brookler by accessing a translated response to a format recognizable by a particular

computer program because this feature may participate in the survey regardless of the

means by which they choose to connect to the network [Brookler, paragraph 0003]. It is

for this reason that one of ordinary skill in the art at the time of the invention would have

been motivated in order to allow some retroactive compatibility with odder versions of

web browsers [Brookler, paragraph 0056].

9.   Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peters in view of Munyer, as applied in claims 1 and 17 above, and further in view of

Gresham, United States Patent Application Publication Number 2002/0160773

(hereinafter Gresham).

10.   With respect to claims 6 and 20, Brookler teaches a method for managing data

transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [= create surveys, step 1] at a first site [= surveyors

16, **18**, and **20**] in a first computer [= PC **20**] located at a second site [fig.1], said first site

and said second site being connected by a loose network [= WAP, SMS, Palm OS,

fig.6];

(b) transmitting said question to a remote computer [= respondents/users] via

said network, said remote computer running an OIS [= cell phone 16, palm OS **18**];

(c) modifying said questionnaire at a third site in said first computer located at

said second site [= responses, step 3]; and

(d) transmitting said responses from said first computer to said remote computer

via said loose network [fig.1];

(e) modifying said questionnaire in said remote computer with said response [paragraphs 0069].

However, Brookler does not explicitly show modifying with incremental changes.

In a wireless system, Gresham discloses modifying with incremental changes [= updating live data analysis, paragraph 0110 and fig.1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brookler in view of Gresham by modifying with incremental changes because this feature enables updating cache [Gresham, paragraph 0110]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to update within each page without having to reload all of each page [Gresham, paragraph 0110].

11.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer, as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

12.   With respect to claim 8, Peters does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or

questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Munyer, and further in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Response to Arguments

13.   Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Thursday (9:30-8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451